

Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I yield back all remaining time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the question is, Will the Senate advise and consent to the nomination of James. B. Comey, Jr., of Connecticut, to be Director of the Federal Bureau of Investigation?

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MERKLEY (When his name was called). Present.

Mr. WYDEN (When his name was called). Present.

Mr. DURBIN. I announce that the Senator from North Dakota (Ms. Heitkamp) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from New Jersey (Mr. CHIESA), the Senator from Florida (Mr. RUBIO), and the Senator from Alaska (Mrs. MURKOWSKI).

Further, if present and voting, the Senator from New Jersey (Mr. CHIESA) would have voted "yea."

The PRESIDING OFFICER (Mr. DONNELLY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 1, as follows:

[Rollcall Vote No. 188 Ex.]

YEAS—93

Alexander	Enzi	Markey
Ayotte	Feinstein	McCain
Baldwin	Fischer	McCaskey
Barrasso	Flake	McConnell
Baucus	Franken	Menendez
Begich	Gillibrand	Mikulski
Bennet	Graham	Moran
Blumenthal	Grassley	Murphy
Blunt	Hagan	Murray
Boozman	Harkin	Nelson
Boxer	Hatch	Portman
Brown	Heinrich	Pryor
Burr	Heller	Reed
Cantwell	Hirono	Reid
Cardin	Hoeven	Risch
Carper	Inhofe	Roberts
Casey	Isakson	Rockefeller
Chambliss	Johanns	Sanders
Coats	Johnson (SD)	Schatz
Coburn	Johnson (WI)	Schumer
Cochran	Kaine	Scott
Collins	King	Sessions
Coons	Kirk	Shaheen
Corker	Klobuchar	Shelby
Cornyn	Landrieu	Stabenow
Crapo	Leahy	Tester
Cruz	Lee	Thune
Donnelly	Levin	Toomey
Durbin	Manchin	Udall (CO)

Udall (NM)	Warner	Whitehouse
Vitter	Warren	Wicker

NAYS—1

Paul

ANSWERED "PRESENT"—2

Merkley

Wyden

NOT VOTING—4

Chiesa
Heitkamp

Murkowski
Rubio

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session and proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

Mr. SCHUMER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUSTICE SAFETY VALVE ACT

Mr. LEAHY. Mr. President, last week the Department of Justice announced that the total U.S. prison population declined 1.7 percent from 2011 to 2012. I was encouraged to see that sentencing reform at the State level continues to pay dividends by simultaneously reducing prison costs and crime rates.

I am troubled, however, that the entirety of the reduction in the U.S. prison population was attributable to the States. The number of Federal prisoners actually increased by almost 1,500 from 2011 to 2012. While this increase was smaller than in previous years, the Federal Government can no longer afford to continue on the course of ever-increasing prison costs. As of last week, the Federal prison population was over 219,000, with almost half of those men and women imprisoned on drug charges. This year, the Bureau of Prisons budget request was just below \$7 billion.

A major factor driving the increase in the incarceration rate has been the proliferation of Federal mandatory minimum sentences in the last 20 years. This one-size-fits-all approach to sentencing never made us safer, but it has cost us plenty. We must change course. In September, the Judiciary Committee will hold a hearing to examine the effects of Federal mandatory minimum sentences and measures to

reform the system in order to combat injustice in sentencing and the waste of taxpayer dollars.

In March, I joined with Senator PAUL to introduce just such a measure. The Justice Safety Valve Act of 2013 will give judges greater flexibility in sentencing in cases where a mandatory minimum is unnecessary and counterproductive. Since its introduction, the Justice Safety Valve Act has received endorsements from a diverse group that spans the political spectrum, including articles written by George Will, Grover Norquist, David Keene, and the New York Times. I ask unanimous consent that these materials be printed in the RECORD at the conclusion of my remarks.

In addition to driving up our prison population, mandatory minimum penalties can lead to terribly unjust results in individual cases. This is why a large majority of judges oppose mandatory minimum sentences. In a 2010 survey by the U.S. Sentencing Commission of more than 600 Federal district court judges, nearly 70 percent agreed that the existing safety valve provision should be extended to all Federal offenses. That is what our bill does. Judges, who hand down sentences and can see close up when they are appropriate and just, overwhelmingly oppose mandatory minimum sentences.

States, including very conservative States like Texas, that have implemented sentencing reform have saved money and seen their crime rates drop. It is long past time that Congress follow their lead, and a Senate Judiciary Committee hearing on Federal mandatory minimum sentences is an important place to start.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Hill's Congress Blog, Mar. 20, 2013]

PAUL-LEAHY SENTENCING BILL WILL ENSURE
TIME FITS THE CRIME

(By Julie Stewart and Grover Norquist)

Even before the sequester took effect, the Obama administration's Department of Justice was warning that federal prison spending had become "unsustainable" and was forcing cuts in other anti-crime initiatives. Despite such warnings, we have seen little evidence of an administration strategy on how to control these costs. Fortunately, Senators Rand Paul (R-Ky.) and Patrick Leahy (D-Vt) today are stepping in to fill that void with the introduction of bipartisan legislation to restore common sense to our criminal sentencing laws.

The Justice Safety Valve Act of 2013 authorizes federal courts to depart below a statutory mandatory minimum sentence only after finding, among other things, that providing a particular defendant a shorter sentence—say, seven or eight years in prison for a drug offense rather than the 10-year mandatory minimum—will not jeopardize public safety. The bill does not require judges to impose shorter sentences, and for many crimes, the minimum established by Congress will be appropriate. But in cases where the mandatory minimum does not account for the offender's limited role in a crime or other relevant factors, the judge would be allowed to consider those factors and craft a more appropriate sentence.